

REMARKS

This Amendment After Final is made in response to the Office Action dated November 15, 2007. Claims 1-9, 18 and 24-36 were previously pending in this application. In an earlier Amendment, claims 2 and 5-7 were withdrawn from consideration in view of Applicants' Election of Species. By an Amendment dated September 5, 2007, claims 1, 18 and 26 were amended to include the recitation that the catheter assembly includes an anti-rotation component. New claims 37-46 were also presented and included the recitation of an anti-rotation component. In the outstanding Office Action dated November 15, 2007, the Examiner has withdrawn claims 1, 3, 4, 8, 9, and 24-46 from consideration as being directed to a non-elected invention. By this Amendment, the recitation of an anti-rotation component has been removed from all claims. Therefore, it is believed that further consideration of the now pending claims is in order.

By this Amendment, independent claims 1, 26 and 44 have been amended to further define the distal portion of the outer catheter member. The amendment to these claims are consistent with the invention defined in pending claim 18. By this Amendment, claims 35, 36 and 40-43 have been canceled without prejudice. Favorable consideration of all of the pending claims is respectfully requested.

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,792,144 to Fischell (the "Fischell patent") in view of U.S. Patent No. 6,019,778 to Wilson (the "Wilson patent") and further in view of U.S. Patent No. 6,254,609 to Vrba (the "Vrba patent"). Applicants strongly disagree with the Examiner's position and interpretation of the Wilson patent. The Examiner states at paragraph 7 of the Officer Action that Wilson discloses a sheath with an outer layer that is preferably nylon bonded to an inner layer that is preferably PTFE, citing column 6, lines 33-39 in support of this statement. However, the Examiner is incorrect in making this statement. The Wilson patent clearly discloses that the outer layer is not directly bonded to the inner layer at all.

Rather, as is discussed directly after the cited passage relied by the Examiner, the Wilson patent states the following:

Positioned between outer and inner layers 72 and 48, respectively, is a wire reinforcing layer 70, which is preferably a braided wire. Braided reinforcing layer 70 is preferably made from stainless steel.

Therefore, the outer layer 72 is bonded to this wire reinforcing layer 70, not the inner layer 48 as recited in the claims. Likewise, the inner layer 48 is bonded to the wire reinforcing layer 70 as well. Claim 18 requires the outer Nylon layer to be bonded to the inner layer of polyimide. The structure shown in the Wilson patent does not show the structure recited in claim 18. Moreover, the Examiner cannot simply disregard the presence of this wire reinforcing layer in the Wilson patent. This wire reinforcing layer 70 was considered quite important in the Wilson patent. The Wilson patent states the following at column 7, lines 20-32:

Prior art self-expanding stent delivery systems did not use braid layers and there may be many reasons why others have not tried this. Because of the size of most self-expanding stents are quite large, as compared to balloon expandable coronary stents, the diameters of the delivery devices had to be large as well. However, it is always advantageous to have catheters or delivery systems which are as small as possible. This is so the devices can reach into smaller vessels, and so that less trauma is caused to the patient. Thus others would have been led away from using such a layer. However, it has been found that even a very thin braid layer in a stent delivery apparatus offers such an advantage, that any incremental increase in the size of the catheter is worth it.

Obviously, the Wilson patent teaches that materials selected for the inner layer 48 and outer layer 72 needs additional strength, in the form of an inner steel braid wire layer, in order to cover the self-expanding stent. Accordingly, Applicants submit that the Examiner's position that it would have been obvious to one skilled in the art to simply substitute the polyimide disclosed in the Vrba patent with the PTFE disclosed in the Wilson patent is incorrect given Wilson's teaching that PTFE and nylon require a wire reinforcing layer 70 to complete the sheath 40. Even assuming *arguendo* that the Examiner position regarding the

interchangeability of the PTFE with the polyimide is correct, the Wilson patent still teaches that a wire reinforcing layer 70 must be bonded between the inner and outer layers. Again, this is not the structure recited in claim 18. Therefore, Applicants submit that the Wilson patent fails to disclose the particular structure recited in claim 18 and that the combination of the Vrba and Wilson patent does not support the Examiner position regarding the interchangeability of PTFE with polyimide. Therefore, the combinations of the Wilson and Vrba patents with the Fischell patent fails to achieve the basic structure recited in claim 18. Applicants respectfully request the Examiner to withdraw the obviousness rejection of claim 18.

The newly amended claims which recite the use of a distal portion of the outer catheter which includes an inner layer of polyimide bonded to an outer layer of nylon are patentable for at least the same reasons addressed above with respect to claim 18.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional fee or credit any overpayment to our Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LLP

By: /Thomas H. Majcher/
THOMAS H. MAJCHER
Registration No. 31,119

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